

AMENDED IN ASSEMBLY MAY 31, 2006

AMENDED IN SENATE MAY 4, 2005

AMENDED IN SENATE MARCH 29, 2005

**SENATE BILL**

**No. 626**

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**Introduced by Senator Soto**

February 22, 2005

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~~An act to amend Sections 56240, 56241 and 56836.23 of the Education Code, relating to special education. An act to amend Section 14602.6 of, and to add Section 14602.4 to, the Vehicle Code, relating to vehicles.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 626, as amended, Soto. ~~Special education: staff development. Impounding vehicles.~~

*Under existing law, whenever a peace officer determines that a person was driving a vehicle without ever having been issued a driver's license, the peace officer is authorized to either immediately arrest that person and cause the removal and seizure of that vehicle or, if the vehicle is involved in a traffic collision, cause the removal and seizure of the vehicle, without the necessity of arresting the person. In either case, under existing law that vehicle is required to be impounded for 30 days, subject to an earlier release to the registered owner under specified circumstances and an earlier release to the legal owner under other specified circumstances.*

*This bill would require the impounding agency to release the described impounded vehicle or an impounded vehicle that was driven by a person following the Department of Motor Vehicle's refusal to renew the person's driver's license upon the request of the*

*registered owner, or the legal owner or his or her agent, without subjecting the vehicle to the 30-day impoundment period and related restrictions.*

~~(1) Existing law requires a school district, special education local plan area, and county office of education to provide a staff development program for special education teachers, administrators, certificated and classified employees, volunteers, community advisory committee members, and, as appropriate, members of the school district and county governing boards. Existing law requires a staff development program to include provision of opportunities for paraprofessionals to participate in ongoing development activities pursuant to a systematic identification of pupil and personnel needs.~~

~~This bill would authorize each special education local plan area to develop a paraprofessional staff development program, and would require a paraprofessional development program to be funded through moneys made available to the special education local plan area pursuant to the federal Individuals with Disabilities Education Act. The bill would prescribe the permissible uses of the funds.~~

~~(2) Existing law requires a special education local plan area, as a condition of receiving funds for regionalized operations and services and the direct instructional support of program specialists, to ensure that a coordinated system of staff development and parent and guardian education is performed in accordance with the description set forth in its local plan.~~

~~This bill would require a paraprofessional development program to be designed in order to ensure that a paraprofessional meets the requirements of the federal Individuals with Disabilities Education Act.~~

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 14602.4 is added to the Vehicle Code, to  
2     read:

3     14602.4. (a) (1) Whenever a peace officer determines that a  
4     person was driving a vehicle without ever having been issued a  
5     driver's license or was driving a vehicle following the  
6     department's refusal to renew the person's driver's license  
7     pursuant to Section 12805, the peace officer may either

1 immediately arrest that person and cause the removal and  
2 seizure of that vehicle or, if the vehicle is involved in a traffic  
3 collision, cause the removal and seizure of the vehicle, without  
4 the necessity of arresting the person in accordance with Chapter  
5 10 (commencing with Section 22650) of Division 11.

6 (2) The impounding agency, within two working days of  
7 impoundment, shall send a notice by certified mail, return receipt  
8 requested, to the legal owner of the vehicle, at the address  
9 obtained from the department, informing the owner that the  
10 vehicle has been impounded. Failure to notify the legal owner  
11 within two working days shall prohibit the impounding agency  
12 from charging for more than 15 days' impoundment when the  
13 legal owner redeems the impounded vehicle. The impounding  
14 agency shall maintain a published telephone number that  
15 provides information 24 hours a day regarding the impoundment  
16 of vehicles and the rights of a registered owner to request a  
17 hearing.

18 (b) The registered and legal owner of a vehicle that is  
19 removed and seized under subdivision (a) or their agents shall be  
20 provided the opportunity for a storage hearing to determine the  
21 validity of, or consider any mitigating circumstances attendant  
22 to, the storage, in accordance with Section 22852.

23 (c) A period in which a vehicle is subjected to storage under  
24 this section shall be included as part of the period of  
25 impoundment ordered by the court under subdivision (a) of  
26 Section 14602.5.

27 (d) (1) An impounding agency shall release an impounded  
28 vehicle upon the request of the legal owner or his or her agent,  
29 or the registered owner.

30 (2) Except as provided in Section 4022, a vehicle shall not be  
31 released pursuant to this subdivision without presentation of the  
32 registered owner's, or the legal owner's or his or her agent's,  
33 currently valid driver's license to operate the vehicle and proof  
34 of current vehicle registration, or upon order of a court.

35 (3) A vehicle shall be released under this subdivision to a  
36 legal owner described in paragraph (1) of subdivision (f) of  
37 Section 14602.6, subject to the conditions set forth in subdivision  
38 (f) of Section 14602.6.

39 (e) The registered owner, or the legal owner or his or her  
40 agent, is responsible for all towing and storage charges related

1 to the impoundment, and any administrative charges authorized  
2 under Section 22850.5.

3 (f) (1) The legal owner or the legal owner's agent may not  
4 relinquish the vehicle to the registered owner until the registered  
5 owner or that owner's agent presents his or her valid driver's  
6 license or valid temporary driver's license to the legal owner or  
7 the legal owner's agent. The legal owner or the legal owner's  
8 agent shall make every reasonable effort to ensure that the  
9 license presented is valid.

10 (2) Prior to relinquishing the vehicle, the legal owner may  
11 require the registered owner to pay all towing and storage  
12 charges related to the impoundment and any administrative  
13 charges authorized under Section 22850.5 that were incurred by  
14 the legal owner in connection with obtaining custody of the  
15 vehicle.

16 (g) Notwithstanding any other provision of this section, the  
17 registered owner and not the legal owner shall remain  
18 responsible for any towing and storage charges related to the  
19 impoundment, any administrative charges authorized under  
20 Section 22850.5, and any parking fines, penalties, and  
21 administrative fees incurred by the registered owner.

22 (h) The impounding agency is not liable to the registered  
23 owner for the improper release of the vehicle to the legal owner  
24 or the legal owner's agent provided the release complies with  
25 this section.

26 SEC. 2. Section 14602.6 of the Vehicle Code is amended to  
27 read:

28 14602.6. (a) (1) Whenever a peace officer determines that a  
29 person was driving a vehicle while his or her driving privilege  
30 was suspended or revoked, or driving a vehicle while his or her  
31 driving privilege is restricted pursuant to Section 13352 or 23575  
32 and the vehicle is not equipped with a functioning, certified  
33 interlock device, ~~or driving a vehicle without ever having been~~  
34 ~~issued a driver's license~~, the peace officer may either  
35 immediately arrest that person and cause the removal and seizure  
36 of that vehicle or, if the vehicle is involved in a traffic collision,  
37 cause the removal and seizure of the vehicle without the  
38 necessity of arresting the person in accordance with Chapter 10  
39 (commencing with Section 22650) of Division 11. A vehicle so  
40 impounded shall be impounded for 30 days.

1 (2) The impounding agency, within two working days of  
2 impoundment, shall send a notice by certified mail, return receipt  
3 requested, to the legal owner of the vehicle, at the address  
4 obtained from the department, informing the owner that the  
5 vehicle has been impounded. Failure to notify the legal owner  
6 within two working days shall prohibit the impounding agency  
7 from charging for more than 15 days' impoundment when the  
8 legal owner redeems the impounded vehicle. The impounding  
9 agency shall maintain a published telephone number that  
10 provides information 24 hours a day regarding the impoundment  
11 of vehicles and the rights of a registered owner to request a  
12 hearing.

13 (b) The registered and legal owner of a vehicle that is removed  
14 and seized under subdivision (a) or their agents shall be provided  
15 the opportunity for a storage hearing to determine the validity of,  
16 or consider any mitigating circumstances attendant to, the  
17 storage, in accordance with Section 22852.

18 (c) ~~Any~~ A period ~~in which~~ that a vehicle is subjected to storage  
19 under this section shall be included as part of the period of  
20 impoundment ordered by the court under subdivision (a) of  
21 Section 14602.5.

22 (d) (1) An impounding agency shall release a vehicle to the  
23 registered owner or his or her agent prior to the end of 30 days'  
24 impoundment under any of the following circumstances:

25 (A) When the vehicle is a stolen vehicle.

26 (B) When the vehicle is subject to bailment and is driven by an  
27 unlicensed employee of a business establishment, including a  
28 parking service or repair garage.

29 (C) When the license of the driver was suspended or revoked  
30 for an offense other than those included in Article 2  
31 (commencing with Section 13200) of Chapter 2 of Division 6 or  
32 Article 3 (commencing with Section 13350) of Chapter 2 of  
33 Division 6.

34 (D) When the vehicle was seized under this section for an  
35 offense that does not authorize the seizure of the vehicle.

36 (E) When the driver reinstates his or her driver's license or  
37 acquires a driver's license and proper insurance.

38 (2) ~~No~~ A vehicle shall *not* be released pursuant to this  
39 subdivision without presentation of the registered owner's or

1 agent's currently valid driver's license to operate the vehicle and  
2 proof of current vehicle registration, or upon order of a court.

3 (e) The registered owner or his or her agent is responsible for  
4 all towing and storage charges related to the impoundment, and  
5 any administrative charges authorized under Section 22850.5.

6 (f) A vehicle removed and seized under subdivision (a) shall  
7 be released to the legal owner of the vehicle or the legal owner's  
8 agent prior to the end of 30 days' impoundment if all of the  
9 following conditions are met:

10 (1) The legal owner is a motor vehicle dealer, bank, credit  
11 union, acceptance corporation, or other licensed financial  
12 institution legally operating in this state or is another person, not  
13 the registered owner, holding a security interest in the vehicle.

14 (2) The legal owner or the legal owner's agent pays all towing  
15 and storage fees related to the seizure of the vehicle. No lien sale  
16 processing fees shall be charged to the legal owner who redeems  
17 the vehicle prior to the 15th day of impoundment. Neither the  
18 impounding authority nor any person having possession of the  
19 vehicle shall collect from the legal owner of the type specified in  
20 paragraph (1), or the legal owner's agent any administrative  
21 charges imposed pursuant to Section 22850.5 unless the legal  
22 owner voluntarily requested a poststorage hearing.

23 (3) The legal owner or the legal owner's agent presents either  
24 lawful foreclosure documents or an affidavit of repossession for  
25 the vehicle, and a security agreement or title showing proof of  
26 legal ownership for the vehicle. Any documents presented may  
27 be originals, photocopies, or facsimile copies, or may be  
28 transmitted electronically. The impounding agency shall not  
29 require any documents to be notarized. The impounding agency  
30 may require the agent of the legal owner to produce a photocopy  
31 or facsimile copy of its repossession agency license or  
32 registration issued pursuant to Chapter 11 (commencing with  
33 Section 7500) of Division 3 of the Business and Professions  
34 Code, or to demonstrate, to the satisfaction of the impounding  
35 agency, that the agent is exempt from licensure pursuant to  
36 Section 7500.2 or 7500.3 of the Business and Professions Code.

37 ~~No administrative~~

38 *Administrative* costs authorized under subdivision (a) of  
39 Section 22850.5 shall *not* be charged to the legal owner of the  
40 type specified in paragraph (1), who redeems the vehicle unless

1 the legal owner voluntarily requests a poststorage hearing. ~~No~~A  
2 city, county, city or county, or state agency shall *not* require a  
3 legal owner or a legal owner's agent to request a poststorage  
4 hearing as a requirement for release of the vehicle to the legal  
5 owner or the legal owner's agent. The impounding agency shall  
6 not require any documents other than those specified in this  
7 paragraph. The impounding agency shall not require any  
8 documents to be notarized.

9 As used in this paragraph, "foreclosure documents" means an  
10 "assignment" as that term is defined in subdivision (o) of Section  
11 7500.1 of the Business and Professions Code.

12 (g) (1) A legal owner or the legal owner's agent that obtains  
13 release of the vehicle pursuant to subdivision (f) may not release  
14 the vehicle to the registered owner of the vehicle or any agents of  
15 the registered owner, unless the registered owner is a rental car  
16 agency, until after the termination of the 30-day impoundment  
17 period.

18 (2) The legal owner or the legal owner's agent may not  
19 relinquish the vehicle to the registered owner until the registered  
20 owner or that owner's agent presents his or her valid driver's  
21 license or valid temporary driver's license to the legal owner or  
22 the legal owner's agent. The legal owner or the legal owner's  
23 agent shall make every reasonable effort to ensure that the  
24 license presented is valid.

25 (3) Prior to relinquishing the vehicle, the legal owner may  
26 require the registered owner to pay all towing and storage  
27 charges related to the impoundment and any administrative  
28 charges authorized under Section 22850.5 that were incurred by  
29 the legal owner in connection with obtaining custody of the  
30 vehicle.

31 (h) (1) A vehicle removed and seized under subdivision (a)  
32 shall be released to a rental car agency prior to the end of 30  
33 days' impoundment if the agency is either the legal owner or  
34 registered owner of the vehicle and the agency pays all towing  
35 and storage fees related to the seizure of the vehicle.

36 (2) The owner of a rental vehicle that was seized under this  
37 section may continue to rent the vehicle upon recovery of the  
38 vehicle. However, the rental car agency may not rent another  
39 vehicle to the driver of the vehicle that was seized until 30 days  
40 after the date that the vehicle was seized.

(3) The rental car agency may require the person to whom the vehicle was rented to pay all towing and storage charges related to the impoundment and any administrative charges authorized under Section 22850.5 that were incurred by the rental car agency in connection with obtaining custody of the vehicle.

(i) Notwithstanding any other provision of this section, the registered owner and not the legal owner shall remain responsible for any towing and storage charges related to the impoundment, any administrative charges authorized under Section 22850.5, and any parking fines, penalties, and administrative fees incurred by the registered owner.

(j) The impounding agency is not liable to the registered owner for the improper release of the vehicle to the legal owner or the legal owner's agent provided the release complies with the provisions of this section.

~~SECTION 1. Section 56240 of the Education Code is amended to read:~~

~~56240. (a) Staff development programs shall be provided for regular and special education teachers, administrators, certificated and classified employees, volunteers, community advisory committee members and, as appropriate, members of the school district and county governing boards. The programs shall be coordinated with other staff development programs in the school district, special education local plan area, or county office, including school level staff development programs authorized by state and federal law.~~

~~(b) Each special educational local plan area may develop a paraprofessional staff development program to ensure that a paraprofessional meets the requirements of the federal Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400, et seq.).~~

~~SEC. 2. Section 56241 of the Education Code is amended to read:~~

~~56241. Staff development programs shall include all the following:~~

~~(a) Provision of opportunities for all school personnel, paraprofessionals, and volunteers to participate in ongoing development activities pursuant to a systematic identification of pupil and personnel needs. A paraprofessional development program shall be funded through moneys made available to the~~



~~special education local plan area pursuant to the federal Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400, et seq.). These funds shall be utilized to provide training in, but not limited to, the following areas:~~

- ~~(1) Applied behavioral analysis.~~
- ~~(2) Assistive technology.~~
- ~~(3) Behavior modification techniques.~~
- ~~(4) Communication systems.~~
- ~~(5) Language development.~~
- ~~(6) Other programs designed to educate pupils with autism and other disabilities.~~

~~(b) Be designed and implemented by classroom teachers and other participating school personnel, including the school principal. Teachers shall comprise the majority of any group designated to design local staff development programs for instructional personnel to be established pursuant to this part. Positive efforts shall be made to ensure the individuals with exceptional needs and parents of such individuals are involved in the design and implementation of staff development programs.~~

~~(c) Allowance for diversity in development activities, including small groups, self-directed learning, and systematic observation during visits to other classrooms or schools.~~

~~(d) Scheduling of time that is set aside for this purpose throughout the school year, including time when participating school personnel are released from their regular duties.~~

~~(e) Evaluation and modification on a continuing basis by participating school personnel with the aid of outside personnel, as necessary.~~

~~(f) Inclusion of the school principal and other administrative personnel as active participants in one or more staff development activities implemented pursuant to this chapter.~~

~~(g) Provision of a budget for reasonable and necessary expenses, relating to staff development programs.~~

~~SEC. 3. Section 56836.23 of the Education Code is amended to read:~~

~~56836.23. Funds for regionalized operations and services and the direct instructional support of program specialists shall be apportioned to the special education local plan areas. As a condition to receiving those funds, the special education local plan area shall ensure that all functions listed below are~~

- 1 performed in accordance with the description set forth in its local  
2 plan adopted pursuant to Section 56205:
- 3 (a) ~~Coordination of the special education local plan area and~~  
4 ~~the implementation of the local plan.~~
- 5 (b) ~~Coordinated system of identification and assessment.~~
- 6 (c) ~~Coordinated system of procedural safeguards.~~
- 7 (d) ~~Coordinated system of staff development and parent and~~  
8 ~~guardian education. A paraprofessional development program~~  
9 ~~shall be designed in order to ensure that a paraprofessional meets~~  
10 ~~the requirements of the federal Individuals with Disabilities~~  
11 ~~Education Act (20 U.S.C. Sec. 1400, et seq.).~~
- 12 (e) ~~Coordinated system of curriculum development and~~  
13 ~~alignment with the core curriculum.~~
- 14 (f) ~~Coordinated system of internal program review, evaluation~~  
15 ~~of the effectiveness of the local plan, and implementation of a~~  
16 ~~local plan accountability mechanism.~~
- 17 (g) ~~Coordinated system of data collection and management.~~
- 18 (h) ~~Coordination of interagency agreements.~~
- 19 (i) ~~Coordination of services to medical facilities.~~
- 20 (j) ~~Coordination of services to licensed children's institutions~~  
21 ~~and foster family homes.~~
- 22 (k) ~~Preparation and transmission of required special education~~  
23 ~~local plan area reports.~~
- 24 (l) ~~Fiscal and logistical support of the community advisory~~  
25 ~~committee.~~
- 26 (m) ~~Coordination of transportation services for individuals~~  
27 ~~with exceptional needs.~~
- 28 (n) ~~Coordination of career and vocational education and~~  
29 ~~transition services.~~
- 30 (o) ~~Assurance of full educational opportunity.~~
- 31 (p) ~~Fiscal administration and the allocation of state and federal~~  
32 ~~funds pursuant to Section 56836.01.~~
- 33 (q) ~~Direct instructional program support that may be provided~~  
34 ~~by program specialists in accordance with Section 56368.~~